

**Consideration of Adoption of a Nonrule Policy Document addressing the Geocaching on Department of Natural Resources Properties (Information Bulletin #46), Administrative Cause Number 03-128T.**

Geocaching, a new phenomenon occurring across the world, can take those interested in enjoying our public lands on fantastic treasure hunts. It is an entertaining adventure game where individuals and/or organizations hide “caches”, then share the locations of the caches on the Internet using GPS coordinates. Global Positioning Systems (GPS) enthusiasts then use the coordinates to find the caches. In the simplest form a cache will include a logbook and maybe an inexpensive item. This is an activity that all members of a family can enjoy.

## **GEOCACHING ON DNR PROPERTIES**

### **Information Bulletin #46**

#### **1. Purpose and Application**

The purpose of this information bulletin is to provide guidance for the management of geocaching activities on a DNR property. A person who participates in geocaching is subject to 312 IAC 8. A “cache” is a “device” and requires a license from the department under 312 IAC 8-2-10(6)(B). The standards for a license are outlined by this information bulletin.

#### **2. Definitions**

- (1) “Cache” means a container that is used in association with geocaching. A cache typically includes items such as a logbook, pen, pencil, map, or trinkets.
- (2) “Department” refers to the department of natural resources.
- (3) “DNR property” has the meaning set forth in 312 IAC 8-1-4(3).
- (4) “Geocaching” means a game pursued by global positioning system (or “GPS”) users. An individual or organization places a cache or caches and shares its or their location on the Internet. A participant in the game applies the GPS coordinates to locate a target cache or caches. When located, the participant records the find on a designated website such as [www.geocaching.com](http://www.geocaching.com). The game may provide that objects are traded at the cache.
- (5) “Multi-cache” refers to containers that are located from information received in another cache.
- (6) “Virtual cache” refers to the target for geocaching for which there is no container. The location itself is the cache. Objects are not traded at the site of a virtual cache.

#### **3. License Applications**

- (a) A person must obtain an “official geocaching placement license” on a department form before placing a cache on or within a DNR property. A cache that is placed without first obtaining a license under this information bulletin may be removed by the department and disposed as provided in “Personal Property Found on DNR Properties” (Information Bulletin #23).
- (b) The property manager is authorized to issue, condition, or deny a license application.
- (c) A person who is aggrieved by a determination by the property manager may seek informal review from the division director. A determination by the division director is subject to administrative review under 312 IAC 3-1.

#### **4. General Prohibitions, Limitations, and Requirements**

The following prohibitions apply to the placement of any cache and to any geocaching activity:

- (1) A person must not violate 312 IAC 8 or another state or a federal law.
- (2) Properties administered in whole or in part by the following divisions of the department do not qualify for geocaching:
  - (A) Division of nature preserves (including any property dedicated under IC 14-31-1).
  - (B) Division of museums and historic sites.
  - (C) Division of outdoor recreation.
- (3) A person must not dig or otherwise disrupt the ground when placing a cache.
- (4) A person is limited to a maximum of two (2) official geocaching placement licenses on a particular DNR property at any time.
- (5) The maximum number of caches that can be approved on a DNR property at any time is the lesser of the following:
  - (A) Twenty-five (25); or
  - (B) The number derived by dividing the total acreage of the DNR property by two hundred (200) acres. A DNR property containing fewer than two hundred (200) acres does not qualify for geocaching.
- (6) A property manager is not required to approve any multi-cache but may approve not more than five (5) multi-caches under an official geocaching placement license.
- (7) As soon as practicable after placing a cache, the person who holds an official geocaching placement license must record the exact location on the copy of the license maintained by the property manager.
- (8) The person who holds an official geocaching placement license must inspect any cache at least once every six (6) months to help ensure compliance with this information bulletin. During the inspection, the person must remove from the cache any food, alcohol, firearms, drugs, items unsuitable for minors, or other items that may pose a danger to people or wildlife.
- (9) An official geocaching placement license expires one (1) year after the date of issuance.

#### **5. License Standards**

The property manager shall exercise reasonable discretion in determining whether to issue, condition, or deny an application for an official geocaching placement license. In the exercise of discretion, the following factors and principles apply:

- (1) A cache cannot be approved for placement in a sensitive archaeological, historical, or ecological area. Examples include historic buildings or structures, caves, or areas that contain rare, threatened, or endangered plant or animals.
- (2) A scheduled resource management activity, such as a timber sale or a prescribed burn, shall be considered in evaluating a license application.

- (3) A cache cannot be approved for placement in an area that could reasonably cause danger to a geocaching participant or to another person who visits the DNR property. Examples of inappropriate areas include cliffs, bluffs, trees, lakes, streams, and roads.
- (4) For inclusion with the license application, the property manager may require a person issued an official geocaching placement license to provide a photograph of the cache, the site where the cache is placed, or both.
- (5) Any other factor reasonably consistent with proper use and protection of the particular DNR property, including implementation of a master plan.
- (6) A virtual cache is exempted from licensing under this information bulletin, but a person who administers or seeks a virtual cache must comply with 312 IAC 8.

## **6. License Suspension or Revocation and Site Reclamation**

- (1) The property manager may suspend or revoke an official geocaching placement license, if a term of the license or of this information bulletin is violated, or if the location of the cache is found to pose a hazard to safety or the environment. The property manager shall make a reasonable attempt to notify the license holder of the action, as well as to notify the designated website. The reasons for the property manager's action shall be recorded with the license. If the license holder elects to relocate the cache, a new license application is required.
- (2) Upon the suspension, revocation, or termination of an official geocaching placement license, the license holder is responsible for removal of the cache, for site restoration, and for any associated expenses. A person who places a cache without a license has the same responsibilities as if issued a license.
- (3) A person who is aggrieved by a suspension or revocation may seek administrative review under 312 IAC 3-1.

## INDIANA DEPARTMENT OF NATURAL RESOURCES

**Official Geocaching Placement Permit**

This permit is valid up to **12 months** from the date approved. After that date, the cache must be moved and a new location permit issued or removed from the premises.

**Cache Owner Information:**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone number \_\_\_\_\_ E-mail address \_\_\_\_\_

Cache name as listed on www.Geocaching.com: \_\_\_\_\_

Physical description of container \_\_\_\_\_

\_\_\_\_\_ "Official Geocache" Label \_\_\_\_\_ Water resistant \_\_\_\_\_ Attach photograph to permit

Location coordinates on USGS 7.5 minute topographic map \_\_\_\_\_ WGS84 \_\_\_\_\_ NAD27 \_\_\_\_\_

Physical description of area \_\_\_\_\_

\_\_\_\_\_ I understand that caches not in compliance with the terms of this permit will be removed from the property and this permit voided for failure to comply.

\_\_\_\_\_ I understand that I am to monitor this cache once every six (6) months and maintain it to be family friendly.

I certify that all of the above information is correct to the best of my knowledge. I understand that I must know and follow all IDNR property regulations as well as the geocaching policy. I agree to remove this cache within one year of permit approval date. I will retain a copy of this permit for my records.

\_\_\_\_\_  
Signature of Applicant\_\_\_\_\_  
Date

<b>APPROVED</b>	<b>DENIED</b> _____ <b>Justification</b>
_____ <b>Property Manager or Designee and Date</b>	_____ <b>Property E-mail address</b>
<b>Date of Expiration</b> _____	